

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

DAVID R. CARLSON,

Petitioner,

v.

ORDER

Civil File No. 21-1183 (MJD/HB)

STATE OF MINNESOTA,

Respondent.

David R. Carlson, pro se.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Hildy Bowbeer dated June 22, 2021. On June 30, 2021, Petitioner filed a document in this case stating that he was appealing to the Eighth Circuit Court of Appeals and objecting to the substance of the Report and Recommendation. As of today, there is no record of any appeal being docketed with the Eighth Circuit Court of Appeals. Therefore, the Court interprets Petitioner's June 30, 2021 document as objections to the Magistrate Judge's Report and Recommendation.

Pursuant to statute, the Court has conducted a de novo review upon the record. 28 U.S.C. § 636(b)(1); Local Rule 72.2(b). Based upon that review, the Court **ADOPTS** the Report and Recommendation of United States Magistrate Judge Bowbeer dated June 22, 2021.

Accordingly, based upon the files, records, and proceedings herein, **IT IS HEREBY ORDERED:**

1. The Court **ADOPTS** the Report and Recommendation of United States Magistrate Judge Hildy Bowbeer dated June 22, 2021 [Docket No. 10].
2. This matter is **DISMISSED WITHOUT PREJUDICE** for lack of jurisdiction.
3. Petitioner David R. Carlson's Application to Proceed in District Court Without Prepaying Fees or Costs [Docket No. 5] is **DENIED AS MOOT**.
4. No certification of appealability will issue.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: August 30, 2021

s/Michael J. Davis

Michael J. Davis

United States District Court